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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,708	12/04/2000	Richard C. Stanfield	05225.00001	3952

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,708

Applicant(s)

STANFIELD, RICHARD C. ST

Examiner

Jan Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on June 22, 2004, wherein:

Claims 1-23 are currently pending;

No claims were amended;

No claims were added;

No claims were cancelled.

Response to Amendment

2. The declaration filed on June 22, 2004 under 37 CFR 1.131 is sufficient to overcome the Shore reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-12, 14, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (5,948,040) (hereinafter referred to as DeLorme) in view of Kanevsky et al (US 6,334,109) (hereinafter referred to as Kanevsky).**

Referring to Claim 1:

DeLorme discloses a system for electronic reservation referral (Figs 1a-9a) connected to a plurality of business partners, comprising:

a processing center (203, col. 8, lines 1-3), electronically connected to each of said plurality of business partners (Fig 8a, col. 10, lines 19-33).

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wherein a consumer can contact any of said plurality of business partners and said processing center to place a reservation for goods or services (col. 10, lines 19-21);

said processing center searches databases of said plurality of business partners for additional goods or services relating to said goods or services addressed in said reservation (col. 6, lines 32-37) , and sends said consumer confirmation of said reservation (col. 11, lines 64-66).

DeLorme does not disclose said confirmation comprising options to choose said additional goods or services. The statement “wherein a consumer *can* contact any of said plurality of business partners” is a conditional statement, meaning that that the act can or cannot occur. The processing step and the confirmation step only occur if the consumer makes the contact. Therefore, if the consumer does not make the contact and if the processing center does not search the databases, no confirmation is sent and there no confirmation comprising options to choose additional goods or services.

The statements starting with wherein a consumer can contact any of said plurality of business partners, said processing center searches databases for additional goods or services, and sends a confirmation which comprises options to choose said additional goods or services is merely a functional statement of the intended use of the system and carries little patentable weight.

However, Kanevsky teaches a system and a method that provides personalized advertisements presented to the user on a sales receipt (page 2, lines 63-64).

It would have been obvious to one of ordinary skill in the art to incorporate into the system of DeLorme the teachings of Kanevsky to allow for personalized advertisement to a particular user for a current transaction.

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Furthermore, the examiner takes Official Notice that the ability to search for and print advertising and promotional offers on printed or electronic receipts, ie, a confirmation, is old and well known in the art. This is evidence by a grocery receipt which provides promotional offers on the cash register receipt relating to items that the customer purchase. It would have been obvious to one of ordinary skill in the art to incorporate into the method of DeLorme the ability to search the databases once the reservation has been made and provide the results of the search on the confirmation because those skilled in the art would have recognized that this one of the well known business practices for providing advertising and promotional material to a customer and this practice would clearly work with any system or method. The practice of matching advertising and promotional information with a given custom is old and well-established business practice known as targeted advertising or targeted marketing.

Referring to Claim 2:

DeLorme a system for electronic reservation referral as recited in claim 1, wherein said confirmation is an email (col. 12, lines 6-10 –online transmission, col. 21, lines 27-30). However, the fact that the confirmation is an email does not further define the reservation system but defines the confirmation. Therefore, the fact that the confirmation is given little patentable weight.

Referring to Claim 3:

DeLorme discloses a system for electronic reservation referral as recited in claim 1, wherein said plurality of business partners are travel-related businesses (col. 10, lines 19-21). However, since Claim 3 reads on Claim 1, which is system, the fact that the plurality of business

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partners are travel related business does not further define the system but only defines the partners and is given little patentable weight.

Referring to Claim 4:

DeLorme discloses a system for electronic reservation referral as recited in claim 1, wherein said email comprises marketing impressions for at least one of said plurality of business partners (col. 11, line 64 thru col. 12, line 6, col. 14, lines 26-33). Once again the email defines the confirmation of claim 1 and therefor the fact that the email comprises marketing impressions is given little patentable weight in determining the patentability of the system.

The applicant should note that the term “marketing impressions” is not clearly defined in the application. However, the Examiner has tried to address the claim in view of the prior art as the Examiner best understands the claim. Applicant has failed to address this in the response filed on September 12, 2003.

Referring to Claim 5:

DeLorme discloses a system for electronic reservation referral as recited in claim 1, wherein said confirmation is a facsimile (col. 6, lines 41-46, col. 15, lines 16-22). The fact that the confirmation is a facsimile defines the confirmation and not the system and does nothing to further distinguish the patentability of the system.

Referring to Claim 6:

DeLorme discloses a system for electronic reservation referral as recited in claim 1, wherein said confirmation is a letter (col. 6, lines 41-46). The examiner takes Official Notice that sending confirmations in the form of a letter is old and well known in the art. Furthermore, “a paper printout” could be a letter. It would have been obvious to one of ordinary skill in the

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art to incorporate into the system of DeLorme the ability to send the confirmation as a letter since sending letters pre-dates emails.

Referring to Claim 7:

DeLorme discloses a method of electronic reservation referral, comprising the steps of: receiving a reservation or purchase of goods or services from a consumer of a one of a plurality of business partners (col. 10, lines 19-25, col. 11, lines 24-30).

searching databases of remaining ones of said plurality of business partners for additional goods or services relating to said goods or services addressed in said reservation (col. 10, lines 19-25);

sending said consumer a confirmation of said reservation.

DeLorme discloses the confirmation with results of said searching provided in said confirmation (col. 11, line 65).

However, DeLorme does not disclose that the searching is done after the reservation is received and the confirmation is then sent with the results of the searching provided in said confirmation..

Kanevsky teaches a method that provides personalized advertisement presented to a particular user on a sales receipt. The personalized advertisement is generated based on the current transaction or prior transactions (col. 2, lines 25-30 and lines 63-64) The examiner takes Official Notice that the ability to search for and print advertising and promotional offers on printed or electronic receipts, ie, a confirmation, is old and well known in the art. This is evidence by a grocery receipt which provides promotional offers on the cash register receipt relating to items that the customer purchase. It would have been obvious to one of ordinary skill

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in the art to incorporate into the method of DeLorme the ability to search the databases once the reservation has been made and provide the results of the search on the confirmation because those skilled in the art would have recognized that this one of the well known business practices for providing advertising and promotional material to a customer and this practice would clearly work with any system or method. The practice of matching advertising and promotional information with a given custom is old and well-established business practice known as targeted advertising or targeted marketing.

Referring to Claim 8:

DeLorme discloses a method of electronic reservation referral, as recited in claim 7, comprising the further step of determining if said reservation includes an email address for said consumer, and when an email address for said consumer is included, sending said confirmation as email (col. 12, lines 6-10, col. 21, lines 27-56 – it can be inferred that if an email confirmation is sent that the consumer's email address has been provided).

Referring to Claim 9:

DeLorme discloses a method of electronic reservation referral, as recited in claim 8, further comprising the step of determining if said reservation includes a facsimile number for said consumer if no email address is included, and when only a facsimile number is included for said consumer, sending said confirmation as a facsimile (col. 6, lines 41-46, col. 15, lines 16-22).

Referring to Claim 10:

DeLorme discloses a method of electronic reservation referral, as recited in claim 9, wherein said step of sending said confirmation is completed by letter (col. 6, lines 41-46, col. 7, lines 15-18). The examiner takes Official Notice that sending confirmations in the form of a

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letter is old and well known in the art. Furthermore, “ a paper printout” could be a letter. It would have been obvious to one of ordinary skill in the art to incorporate into the system of DeLorme the ability to send the confirmation as a letter since letters predated emails.

Referring to Claim 11:

DeLorme discloses a method of electronic reservation referral, as recited in claim 8, wherein said results of said search included in said email confirmation are interactive hyperlinks solicit email addresses (col. 8, lines 1-3, col. 12, lines 6-10, col. 21, lines 27-30).

Referring to Claim 12:

DeLorme discloses a method of electronic reservation referral, as recited in claim 7, wherein when said consumer selects one of said additional goods or services, said method further comprises the step of sending a confirmation of reservation of said additional goods and services to said consumer (col. 6, lines 32-46, col. 11, line 64 thru col. 12, line 6).

Referring to Claim 14:

DeLorme discloses a method of electronic reservation referral, as recited in claim 7, further comprising the step of including marketing impressions in said confirmation of said reservation (col. 6, lines 27-37, col. 11, line 64 thru col. 12, line 6, col. 14, lines 26-33).

The applicant should note that the term “marketing impressions” is not clearly defined in the application. However, the Examiner has tried to address the claim in view of the prior art as the Examiner best understands the claim. As stated above, the applicant failed to address this in the response filed on September 12, 2003.

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Referring to Claim 16:

DeLorme discloses a method of electronic reservation referral, as recited in claim 7, wherein said plurality of business partners are all travel-related businesses (col. 10, lines 19-21).

Referring to Claim 17:

DeLorme discloses a method of electronic reservation referral, as recited in claim 16, wherein said plurality of business partners comprise hotels, airlines, taxi services, limousine services, attractions, state parks, rental cars, restaurants, meeting planning companies, fuel providers, theme parks, retail operations, convention industry, cruise lines, convention and visitor bureaus, travel agencies, and tour operators (col. 8, lines 40-48, col. 14, lines 27-33, col. 18, lines 48-53, col. 21, lines 45-48, col. 56, lines 28-33).

Referring to Claim 18:

DeLorme discloses a method of electronic reservation referral, as recited in claim 12, wherein said plurality of business partners are all travel-related businesses (col. 10, lines 19-21).

Referring to Claim 19:

DeLorme further discloses a method of electronic reservation referral, as recited in claim 18, further comprising the step of when said consumer selects one of said additional goods or services from one of said remaining ones of said plurality of business partners, said one of said plurality of business partners is informed of said selection of said additional goods or services (col. 12, lines 6-10)

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4. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Kanevsky as applied to claim 7 above, and further in view of Terry et al., hereinafter referred to as Terry, (US patent No. 5,495,600). Claim 15 reads on Claim 13,

Referring to Claim 13:

DeLorme teaches the method of electronic reservation referral, as recited in claim 7. DeLorme does not disclose a method further comprising the step of sending additional confirmation at intervals between a time of said reservation and delivery of said goods or use of said services. However, Terry discloses sending additional confirmation at intervals between a time of said reservation and delivery of said goods or use of said services (col. 1-8, col. 8, lines 7-14)).

It would have been obvious to one of ordinary skill in the art to incorporate into the method of DeLorme the teaching of Terry to supply active reminders and to better monitor reservation data.

Referring to Claim 15:

DeLorme further discloses a method of electronic reservation referral, as recited in claim 13, further comprising the step of including marketing impressions in said additional confirmations (col. 11, line 64 thru col. 12, line 6, col. 14, lines 26-33)

The applicant should note that the term “marketing impressions” is not clearly defined in the application. However, the Examiner has tried to address the claim in view of the prior art as the Examiner best understands the claim.

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5. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delorme in view of Kanevsky and in further view of Terry.

Referring to Claim 20:

DeLorme discloses a method of electronic reservation referral, comprising the steps of:
receiving a reservation or purchase of goods or services from a consumer of a one of a plurality of travel-related business partners (col. 10, lines 19-25, col. 11, lines 24-30);

searching databases of remaining ones of said plurality of business partners for additional goods or services relating to said goods or services addressed in said reservation (col. 10, lines 19-25);

sending said consumer a confirmation of said reservation with results of said searching provided as interactive hyperlinks in said confirmation (col. 8, lines 1-3, col. 12, lines 6-10, col. 21, lines 27-30); and

determining if said reservation includes an email address for said consumer, and when an email address for said consumer is included, sending said confirmation as email (col. 12, lines 6-10, col. 21, lines 27-30);

wherein when said consumer selects one of said additional goods or services, said method further comprises the steps of:

sending a confirmation of reservation of said additional goods and services to said consumer (col. 6, lines 32-37, col. 11, line 64 thru col. 12, lines 6); and

informing said one of said plurality of business partners of said selection of said additional goods or services from said one of said remaining ones of said plurality of travel-related business partners (col. 12, lines 6-10).

DeLorme does not disclose a method comprising making the reservation before searching the databases for additional goods and services and the steps of sending additional confirmation at intervals between a time of said reservation and delivery of said goods or use of said services. However, Terry discloses sending additional confirmation at intervals between a time of said reservation and delivery of said goods or use of said services (col. 1-8, col. 8, lines 7-14)).

It would have been obvious to one of ordinary skill in the art to incorporate into the method of DeLorme the teaching of Terry to supply active reminders and to better monitor reservation data.

Kanevsky teaches a method that provides an advertisement (which would include a coupon) that is personalized to a particular user for a current transaction and is presented to the user at the point of sale or transaction terminal by displaying or printing on a sales receipt (abstract, Col. 2, lines 25-30 and 63-64). The examiner takes Official Notice that the ability to search for and print advertising and promotional offers on printed or electronic receipts, ie, a confirmation, is old and well known in the art. This is evidenced by a grocery receipt which provides promotional offers on the cash register receipt relating to items that the customer purchase. It would have been obvious to one of ordinary skill in the art to incorporate into the method of DeLorme the ability to search the databases once the reservation has been made and provide the results of the search on the confirmation because those skilled in the art would have recognized that this one of the well known business practices for providing advertising and promotional material to a customer and the ability to search the database once the reservation is made to provide the related promotional material would clearly work with any system or method.

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The practice of matching advertising and promotional information with a given custom is old and well-established business practice and is known as targeted advertising or targeted marketing..

Referring to Claim 21:

DeLorme discloses a method of electronic reservation referral, as recited in claim 20, further comprising the step of including marketing impressions in at least one of said confirmation of said reservation and said additional confirmations (col. 11, line 64 thru col. 12, line 6, col. 14, lines 26-33).

The applicant should note that the term “marketing impressions” is not clearly defined in the application. However, the Examiner has tried to address the claim in view of the prior art as the Examiner best understands the claim.

Referring to Claim 22:

DeLorme discloses a method of electronic reservation referral, as recited in claim 20, wherein said plurality of travel-related business partners comprise hotels, airlines, taxi services, limousine services, attractions, state parks rental cars, restaurants, meeting planning companies, fuel providers, theme parks, retail operations, convention industry, cruise lines, convention and visitor bureaus, travel agencies, and tour operators (col. 8, lines 40-48, col. 14, lines 27-33, col. 18, lines 48-53, col. 21, lines 45-48, col. 56, lines 28-33).

Referring to Claim 23:

DeLorme discloses a method of electronic reservation referral, as recited in claim 20, wherein when said confirmation of said reservation fails to include an email address for said

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consumer, sending said confirmation of said reservation by one of facsimile, interactive voice recording and letter (col. 6, lines 41-46, col. 15, lines 16-22, col. 7, lines 15-18, col. 21, line 58 thru col. 22, line 6).

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

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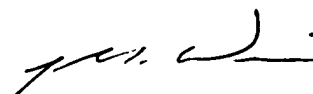
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan Mooneyham whose telephone number is (703) 305-8554.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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